

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**SIDNEY JEROME MCKINNEY, JR., :**

**Plaintiff, :**

**VS. :**

**THOMAS COUNTY JAIL, *et al.*, :**

**Defendants. :**

**NO. 7:15-CV-00148-HL-TQL**

**ORDER**

Plaintiff Sidney Jerome McKinney, Jr., an inmate currently confined at the Thomas County Jail in Thomasville, Georgia, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983 and a motion for leave to proceed without prepayment of the filing fee. After Plaintiff supplemented his motion for leave to proceed *in forma pauperis* in accordance with the United States Magistrate Judge's orders and instructions, Plaintiff's motion to proceed *in forma pauperis* was granted but he was ordered to pay an initial partial filing fee in the amount of \$6.72. Plaintiff was given twenty-one (21) days to pay this initial partial filing fee and advised that if his circumstances had changed and he was unable to pay the initial partial filing fee, he should file a renewed motion to proceed *in forma pauperis* explaining to the Court why he could not pay. Plaintiff was also informed that failure to comply with the Court's order could result in the dismissal of his Complaint. (Order 1-2, Oct. 7, 2015, ECF No. 7.)

The time for compliance passed, and Plaintiff did not pay the initial partial filing fee as ordered. Accordingly, the Magistrate Judge ordered Plaintiff on November 10,

2015 to respond and show cause why his lawsuit should not be dismissed. Plaintiff was given another twenty-one (21) days to respond, and he was again warned that failure to respond would result in the dismissal of his complaint for failure to comply. (Order 1-2, Nov. 10, 2015, ECF No. 8.)

On November 20, 2015, Plaintiff responded to the Magistrate Judge's show cause order, explaining that he would send the initial partial filing fee as soon as the money was entered into his account and the secretary of the jail answered his request to remove the money from his account. (Resp. to Order to Show Cause 1, ECF No. 9.) More than another month has passed, however, and Plaintiff has still failed to pay the initial partial filing fee as ordered or explain to the Court why he is now unable to pay the filing fee.

A district court may dismiss an action *sua sponte* for failure to prosecute or failure to obey a court order. *See Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam). Thus, because of Plaintiff's failure to pay the required filing fee and failure to comply with the Court's instructions and orders, his Complaint shall be **DISMISSED**. *See* Fed. R. Civ. P. 41. This dismissal is without prejudice.

**SO ORDERED**, this 5th day of January, 2016.

*s/ Hugh Lawson*  
HUGH LAWSON, SENIOR JUDGE